

**NORTHEAST UTILITIES**

THE CONNECTICUT LIGHT AND POWER COMPANY  
 THE HARTFORD ELECTRIC LIGHT COMPANY  
 WESTERN MASSACHUSETTS ELECTRIC COMPANY  
 HOLYOKE WATER POWER COMPANY  
 NORTHEAST UTILITIES SERVICE COMPANY  
 NORTHEAST NUCLEAR ENERGY COMPANY

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June 23, 1981

Docket Nos. 50-245  
50-336  
50-213



Mr. Darrell G. Eisenhut, Director  
 Division of Licensing  
 Office of Nuclear Reactor Regulation  
 U. S. Nuclear Regulatory Commission  
 Washington, D.C. 20555

- References: (1) W. G. Council letter to J. Hendrie, dated March 19, 1981.  
 (2) W. G. Council letter to D. G. Eisenhut, dated May 13, 1981.  
 (3) D. G. Eisenhut letter to All Power Reactor Licensees with Plants Licensed Prior to January 1, 1979, dated February 20, 1981.

Gentlemen:

Haddam Neck Plant  
 Millstone Nuclear Power Station, Unit Nos. 1 and 2  
Fire Protection

In response to Nuclear Regulatory Commission promulgated amendments to 10CFR Part 50 regarding the new fire protection rule, Connecticut Yankee Atomic Power Company (CYAPCO) and Northeast Nuclear Energy Company (NNECO) docketed Reference (1). Included in Reference (1) were requests for exemptions to the requirements for alternate shutdown capability for each of the three operating units. It was indicated that a conclusive position as to the requirement to provide alternate shutdown capability would be provided by September 18, 1981. It was also stated that the results of a risk assessment of the backfitting of the dedicated shutdown systems described in Reference (1) were planned to be included in the September 18, 1981 submittal.

By Reference (2) CYAPCO and NNECO elaborated on the scope and nature of current activities as they relate to the Appendix R requirement to provide alternate shutdown capability. Reference (2) also served as the vehicle to respond to the May 19, 1981 due date associated with Reference (3). It is emphasized that Reference (2) does not conflict with or supersede the exemption requests docketed by Reference (1).

On June 5, 1981, CYAPCO, NNECO, and other licensees filed a motion for stay of the Commission's final rule with the United States Court of Appeals for the District of Columbia Circuit. On June 12, 1981 the Commission issued Opposition to the Motion for Stay in the United States Court of Appeals for the District of Columbia Circuit. Attached to this document was an affidavit of Edson G. Case. Item 14 of this affidavit discussed References (1) and (2), and stated that "These two licensees informed the Commission that they do not intend to allocate significant engineering resources to compliance with Appendix R until this lawsuit is considered."

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Based upon the contents of this affidavit, and subsequent telephone conversations with cognizant NRC Staff personnel, CYAPCO and NNECO have determined that it is appropriate to amplify the information docketed in Reference (2) such that a more explicit explanation of our ongoing corporate activities regarding alternate shutdown capability is docketed. Cumulatively, References (1) and (2) indicated that the following activities regarding alternate shutdown capability were in progress:

1. Development of risk assessment studies.
2. Review of the potential relationship between the issue of alternate shutdown capability and other ongoing programs including IREP, SEP, and TMI-related modifications.
3. Discussions with other utilities on final rule implications and implementation program.

The effort identified in Item 2 above appears to be compatible with the intention expressed in the May 15, 1981 memorandum from D. G. Eisenhut to H. R. Denton regarding the Integrated Assessment Phase of the SEP. In this memorandum the Staff expressed its intention to conduct "an integrated overall evaluation of all safety topics evaluated in the SEP and other ongoing reviews, e.g., fire protection." It would appear that a resource efficient and effective integrated scheme would result if the design of backfits necessary to achieve alternate shutdown capability could be accommodated within the Integrated Assessment Phase of SEP.

It remains CYAPCO's and NNECO's contention that a reasonable and responsible corporate commitment to the resolution of fire protection issues has been made. This position is based upon:

1. Cumulatively, over \$6 million has been expended to improve fire protection capability in the three operating nuclear units. Procedural improvements, periodic training and drilling, and other ongoing administrative measures have been accomplished to augment hardware-oriented fire protection improvements. A new section whose sole responsibilities concern fire protection issues has recently been established within Northeast Utilities Service Company (NUSCO). This action is illustrative of our corporate commitment in this area.
2. All issues identified in the three Fire Protection Safety Evaluation Reports have been resolved with the Staff, with the exception of alternate shutdown capability.
3. We remain convinced that the implementation of the extensive hardware modifications required by Appendix R for dedicated or alternate shutdown capability, especially in light of the compacted schedule, are potentially unwarranted. Participation in the motion for stay and our rationale docketed to date are based on this position. We remain committed to resolve fire protection issues, but it is imperative that their resolution be conducted in an integrated and cost-effective manner, with a definitive goal that any potential backfits will result in an improvement in overall plant safety. Installation of more concrete, steel, suppression systems, and complex circuitry does not necessarily achieve this goal.

As detailed in correspondence from the licensees who are appealing the Commission's final rule, portions of Appendix R:

1. Lack technical and evidentiary bases,
2. Were promulgated in a procedurally flawed manner,
3. Will result in irreparable harm in the absence of a partial stay, and
4. It will serve the public interest if portions of the final rule are stayed.

These factors remain of prime consideration in establishing the position of CYAPCO and NNECO.

Based upon a reassessment of the above factors, CYAPCO and NNECO have initiated a rigorous evaluation of the technical merits of modifying those components which are required to achieve safe shutdown and currently do not conform to Appendix R criteria. Based in part upon recent telephone communications with the Staff, CYAPCO and NNECO intend to explore the possibility of exercising the option identified in the preamble to the regulation which states, "Based on this reexamination the licensee must either meet the requirements of Section III.G of Appendix R or apply for an exemption that justifies alternatives by a fire hazard analysis." It is our current perception that a broader application of this concept may result in a system design which fulfills the requirements of Appendix R, without requiring unnecessary modifications to plant systems which are not unduly susceptible to fire damage. A final determination as to the merits of this approach and a commitment to install the resulting design must await the completion of a comprehensive evaluation, in light of all ongoing plant modifications and evaluations. It remains our intention to also factor in the results of our ongoing risk assessment studies.

Regarding the schedule for this effort, it is noted that the above information responds, in part, to the September 18, 1981 commitment of Reference (1). Based upon this revised approach to respond to the requirements of Appendix R, it is necessary to extend the date by which we are able to comply with the requirements of 10CFR50.48(c)(5). Therefore, pursuant to 10CFR50.48(c)(6) and 10CFR50.12, an exemption (until February 1, 1982) to the requirements of 50.48(c)(5) for submitting plans and schedules is requested. This date supersedes the date of September 18, 1981 identified in Reference (1).

A summary of the above information is as follows:

1. We have initiated an extensive effort to engineer and design a system which will result in compliance with Item III.G and L of Appendix R.
2. The concept being evaluated is consistent with the Appendix R alternative of an alternate shutdown system.
3. Significant engineering resources are being expended in this effort.

4. We anticipate docketing additional exemption requests from the requirements of III.G and III.L Appendix R for specific components, if justified by a fire hazards analysis.
5. A commitment to implement the resulting design will be accomplished as part of a comprehensive evaluation of plant modifications under consideration, including those resulting from the SEP to the extent they are available at that time.
6. The schedule for compliance with 10CFR50.48(c)(5) is February 1, 1982.

Please advise if you have any questions about our commitment to resolving the portions of Appendix R which remain outstanding.

Very truly yours,

CONNECTICUT YANKEE ATOMIC POWER COMPANY  
NORTHEAST NUCLEAR ENERGY COMPANY



W. G. Council  
Senior Vice President